

AMENDED

No. 46749

APPLICATION FOR PERMIT  
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. MAR 21 1983  
Returned to applicant for correction. APR 7 1983  
Corrected application filed. MAY 27 1983  
Map filed. MAY 27 1983

The applicant. Kent L. Brown  
P. O. Box 1144, of Lamoille,  
Street and No. or P.O. Box No. City or Town  
Nevada 89828, hereby make application for permission to appropriate the public  
State and Zip Code No.  
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Lamoille Creek  
Name of stream, lake, spring, underground or other source  
2. The amount of water applied for is 44 cfs second-feet  
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.

3. The water to be used for Power Generation  
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:  
(a) Irrigation, state number of acres to be irrigated:  
(b) Stockwater, state number and kinds of animals to be watered:  
(c) Other use (describe fully under "No. 12. Remarks")  
(d) Power:

(1) Horsepower developed 1600 KW

(2) Point of return of water to stream SW 1/4 SE 1/4 Sec. 31, T 33 N, R 58 E, MDB & M., at a point from which the SE corner of said Sec. 31 bears S 89° 29' 32" E 1349.91 feet.

5. The water is to be diverted from its source at the following point: NE 1/4 NW 1/4 of Section 16, T 32 N, R 58 E, MDB & M., at a point from which the NW corner of said Section 16 bears survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.  
N 87° 06' 00" W 1590.00 feet.

6. Place of use S 1/4 SE 1/4 of Section 31, T 33 N, R 58 E, MDB & M.  
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.  
Month and Day Month and Day  
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Pipelines, Generator  
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.  
9. Estimated cost of works 1.3 million dollars

10. Estimated time required to construct works 3 years  
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.  
 Purpose of proposed diversion is to generate electric power by hydroelectric means. This is for a non consumptive use. There are no existing points of diversion between the proposed point of diversion and the proposed point of return. This application is for the same 44 cfs of application 45416, but is more realistic to take advantage of the fluctuating peak flows of Lamoille Creek. The applicant agrees to keep a minimum flow of 3 cfs in Lamoille Creek at all times. During the hearing for the protests on appl. 45416 please consider this application. If this application is approved for a permit, then the applicant would be willing to withdraw 45416.

By s/Alan S. Boyack  
Alan S. Boyack, Agent  
515 South Fifth Street  
Elko, Nevada 89801

Compared bl/tls

Protested Pro. 5/20/83 Nevada Department of Wildlife; 8/22/83 by United States Forest Service;

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby ~~grant~~ <sup>deny</sup> the same, subject to the following limitations and conditions:

This application is hereby denied on the grounds that the granting of it would threaten to prove detrimental to the public interest. No ruling is made on the merits of the other protest claims.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed \_\_\_\_\_ cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before \_\_\_\_\_

Proof of completion of work shall be filed before \_\_\_\_\_

Application of water to beneficial use shall be made on or before \_\_\_\_\_

Proof of the application of water to beneficial use shall be filed on or before \_\_\_\_\_

Map in support of proof of beneficial use shall be filed on or before \_\_\_\_\_

Completion of work filed \_\_\_\_\_ IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P. E.

Proof of beneficial use filed \_\_\_\_\_ State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed \_\_\_\_\_ my office, this 27th day of May,

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_ A.D. 19 99